

REMARKS/ARGUMENTS

Claim Amendments

Claim 1 is amended to replace the words "characterized in that" with "wherein". Claim 2 is amended to state that the permeate collection means is a permeate pan or an end cap. New claims 5-9 provide additional limitations and are supported by, for example, page 32, line 16 to page 33, line 4; page 31, line 14 to page 32, line 3; and Figures 6 and 8. All dependent claims have been amended to more completely refer back to the apparatus of claim 1. The Applicants submit that these amendments do not add any new matter to the application. Claims 1 to 7 are now pending.

Claim Rejections

35 USC 102

Claims 1-4 were rejected as being anticipated by WO 97/06880. The first sentence of the present application, and the application data sheet submitted on filing, state that this application is part of a class of continuations including U.S. 5,639,373 and U.S. 5,783,083. The second sentence of the present application incorporates these references into it, as did all intervening applications. Accordingly, as a result of 35 USC 120, the present application is entitled to the filing date of U.S. 5,639,373 and 5,783,083 for all matter contained in those patents. This includes all of amended claims 1-4 which are supported, for example, by Figures 6 and 8; column 8, lines 48-65; column 11, lines 11-34; column 19, lines 7-59; column 20, lines 9-57; and, column 27 lines 5-25 of U.S. 5,639,373 and Figure 3 and column 3, lines 35-39 and column 14, lines 32-36 of U.S. 5,783,083. New claims 5-9 are supported by, for example, Figures 6 and 8 and column 19, lines 32-59 and column 20, lines 9-57 of U.S. 5,639,373. The filing dates of U.S. 5,639,373 (June 17, 1997) and U.S. 5,783,083 (July 31, 1996) predate both the filing and publication dates of WO 97/06880. Accordingly, WO 97/06880 is neither filed nor published before the effective filing date of current claims 1-9 and so claims 1-9 are not anticipated by WO 97/06880.

Double Patenting

Claims 1-4 were rejected for obviousness-type double patenting in relation to U.S. 5,639,373 in view of other references. A terminal disclaimer to obviate an obviousness type double patenting rejection in relation to U.S. 5,639,373 is being filed with this response. The Applicants submit that, with this terminal disclaimer, the rejection no longer applies.

35 USC 112

Claims 1-4 were rejected as being indefinite because of alleged confusion caused by the interaction of claims 1 and 2 and for lack of antecedent basis for "permeate pan" in claim 2. Amended claim 2 states that the permeate collection means, introduced in claim 1, is a permeate pan or an end cap. Accordingly, claim 2 narrows claim 1 by specifying that the permeate collection means is one of the particular structures named in claim 2. This is consistent with the specification which uses permeate collection means as a general term but further describes permeate pans and end caps as specific examples (see, for example, page 14, line 2; page 16, lines 29-31; page 45, lines 11-16; and Figure 14). Accordingly, the Applicants submit that claim 2 is clear in relation to claim 1 and that the term "permeate pan" in claim 2 has sufficient antecedent basis.

For the reasons given above, the Applicants submit that the claims are allowable.

Respectfully submitted,

MAHENDRAN et al.

By Scott R. Pundsack
Scott R. Pundsack
Reg. No. 47,330
Tel: (416) 957-1698